

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 11, 2009

DIVISION ONE

[illegible]

The finding under section 186.22 that defendant committed the instant offenses for the benefit of a criminal street gang is reversed, and the matter is remanded to the trial court with directions to dismiss this finding and recalculate defendant's period of confinement. On remand the juvenile court is further ordered to impose a firearm enhancement on the burglary count pursuant to section 12022.5 and to correct the clerical errors referenced above. In all other respects, we affirm the judgment.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B207335 Los Angeles County, D.C.F.S. (Not for Publication)
v.
V.S.

The judgment is affirmed.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B208090 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 J.P.

The judgment is affirmed.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B208655 Silas (Not for Publication)
 v.
 Dion-Kindem

The trial court order dated April 23, 2008 is affirmed. Silas is to recover her costs on appeal.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION TWO

B206952 Birl et al. (Not for Publication)
 v.
 Heritage Care LLC et al.

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION TWO (continued)

B207406 Hauser (Not for Publication)

v.

United Parcel Service Inc. et al.

The order is affirmed. Respondents are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.

Doi Todd, J.

B204467 Siegel (Not for Publication)

v.

Siegel

The order is reversed and remanded for a rehearing. Dale is entitled to her costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.

Chavez, J.

B204595 People (Not for Publication)

v.

Aguilar

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.

Chavez, J.

March 11, 2009 (Continued)

DIVISION TWO (continued)

B206916 People (Not for Publication)
v.
Elbye

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B210136 DCFS v. T.H.
B208640 DCFS v. R. M.
B204614 Lonnell Jefferies
B205891 People v. Derrick Roscoe Daniels

Argument waived, cause submitted.

B204622 Cornell Greathouse
v.
City of Pasadena

Merits:

Argued by Frank L. Longo for appellant and by Frank L. Rhemrev, Deputy City Attorney for respondent. Cause submitted.

DIVISION THREE (continued)

B208828 Patricia Ann Roberts
v.
County of Los Angeles

Merits:
Argued by Sean Burke for appellant and by Daniel Barer for respondent.
Cause submitted.

B206233 Alran A. Cohen M.D.
v.
Michael Brown Esq. et al

Merits:
Argued by Steven Robert Yee for appellants and by Arlan Cohen for
respondent. Cause submitted.

B202868 Joseph Daniel Davis
v.
Jeff Ira Nadrich et al

Merits:
Argued by Charlotte E. Costan for appellant and by John C. Heubeck for
respondents. Cause submitted.

B204013 William Garcia
v.
County of Los Angeles

Merits:
Argued by Judith A. Powell for appellant and by Calvin House for
respondent. Cause submitted.

Court recessed.

March 11, 2009 (Continued)

DIVISION THREE (continued)

Court convened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B200973 People v. Manuel C. Miranda
B209430 DCFS v. J.L.
B210445 DCFS v. C.C.
B198713 People v. Christian De La Vega
B209061 Imankhwaja Askari

Argument waived, cause submitted.

B199437 Seung Taek Baek
 v.
 A-Team Construction

Merits:

Argued by Franklin L. Ferguson Jr. for appellant and by Jacob Dong Chang
for respondent. Cause submitted.

Court adjourned.

B201755 Teecher (Not for Publication)
 v.
 The Bascom Group, LLC, et al.

The judgment is reversed with directions to overrule the general demurrers
in their entirety and to conduct further proceedings not inconsistent with the
views expressed herein. Teecher is entitled to recover her costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (continued)

B195289 Dodson (Not for Publication)

V.

Irving Pomerantz & Associates, et al.

The order of dismissal in favor of Attorney Margulies and the order granting attorney Margulies his attorney's fees are affirmed. The matter is remanded for a determination of the attorney fees to which Attorney Margulies may be entitled for successfully defending an appeal the anti-SLAPP dismissal in his favor. Attorney Margulies shall recover his costs on appeal from Dodson. The order of dismissal in favor of Pomerantz and the order granting Pomerantz his attorney's fees are reversed. The matter is remanded for further proceedings consistent with this opinion. Dodson shall recover from Pomerantz her costs on appeal of the orders in his favor.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B207435 People (Not for Publication)

v.

Ramirez

The conviction is affirmed and the matter is remanded to the trial court to impose and stay the enhancements pursuant to Penal Code section 12022.53, subdivisions (b) and (c) previously stricken and further to award presentence custody credits of 391 days. The trial court is directed to prepare a corrected abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B203452 People (Not for Publication)
v.
Diaz et al.

The judgments are modified by striking the \$20 DNA penalty and the \$2,500 state court construction penalty imposed on both appellants. The clerk of the superior court is directed upon issuance of the remittitur to prepare corrected abstracts of judgment as set forth in this opinion and to forward them to the Department of Corrections and Rehabilitation. In all other respects, the judgments are affirmed.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION SIX

Court convened at 9:00 a.m.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B198827 Yabsley v. Cingular Wireless

Argument continued to June, 2009.

B209116 Ligotti
v.
Halby

Merits:

Argued by Marshal A. Oldman for appellants. Argument previously waived by Sanuel Huestis for respondent Shirley L. Halby. Argument waived pursuant to Rule 8.220(a)(2), Calif. Rules of Court as to respondents Mark C. Halby and Sarah Hardcastle. Cause submitted.

DIVISION SIX (continued)

B205458 Lyon
 v.
 Black

Merits:
Argued by John F. Hodges for appellant and by Herb Fox for respondent.
Cause submitted.

B206494 American Safety Casualty Ins.
 v.
 Mothershead

Merits:
Argued by Sherry Lynn Grguric for appellants and by Katherine Pene for respondents American Safety Casualty Ins. and Salvador Reynoso. Cause submitted.

B209235 Vilkitis
 v.
 W.C.A.B. (Calif. Polytechnic Institute State Univ.)

Review:
Presented by James P. Harvey for petitioner; by William A. Herreras for amicus curiae California Applicants Attorneys Association and by Donald Lawrence Powelson for respondents California Polytechnic Institute State University et al. Presentation previously waived by respondent Workers' Compensation Appeals Board. Cause submitted.

B209323 Forzetting
 v.
 W.C.A.B. (Oceano Ice Co.)

Review:
Presented by Richard E. Guilford for respondents Oceano Ice Co. et al. Presentation previously waived by petitioner and respondent Workers' Compensation Appeals Board. Cause submitted.

Court recessed.

March 11, 2009 (Continued)

DIVISION SIX (continued)

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B208533 Hankins v. Hankins
B210566 Child Welfare Services v. S.S.
B210908 Dept. of Social Services v. G.T.

Argument waived, cause submitted.

B208548 Asset Acceptance LLC
 v.
 Hanson

Merits:

Argued by Darin C. Marx for appellant and by David J. Kaminski for respondent. Cause submitted.

B213166 M.U.
 v.
 Santa Barbara Superior Court
 (Child Welfare Services, r.p.i.)

Extraordinary:

Presented by M.U., petitioner, appearing in propria persona. Presentation previously waived by real party in interest Child Welfare Services. Cause submitted.

Coffee, J. left the bench.

DIVISION SIX (continued)

B203268 Davis
 v.
 Davis

Merits:

Argued by Adam Davis, appellant, appearing in propria persona.
Argument waived pursuant to Rule 8.220(a)(2), Calif. Rules of Court as to
respondent. Cause submitted.

B203728 Taylor
 v.
 LaRocca Inspection Service, Inc.

Merits:

Argued by Ira Cohen for appellant and by Douglas Duane Kappler for
respondent. Cause submitted.

B210884 World Financial Group, Inc.
 v.
 HBW Insurance & Financial Services, Inc.

Merits:

Argued by Rochelle Lyn Wilcox for appellants and by Brian T. Ashe for
respondent. Cause submitted.

Court adjourned.

B208547 San Luis Obispo County Department of Social Services
 v.
 S.W.

Filed order denying petition for rehearing.

March 11, 2009 (Continued)

DIVISION SIX (continued)

B207599 Ventura County Human Services Agency
v.
C.H.

Filed order denying petition for rehearing.

DIVISION SEVEN

B200438 People (Not for Publication)
v.
Davis

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B205867 People (Not for Publication)
v.
Cuellar

The judgment is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION SEVEN (continued)

B209748 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 R. N.

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.
 Zelon, J.

B209819 In re J.T. (Not for Publication)
 Los Angeles County, D.C.F.S.
 v.
 J.D.

The orders are affirmed.

Woods, J.

We concur: Perluss, P.J.
 Jackson, J.

B206044 Brown (Not for Publication)
 v.
 California Unemployment Insurance Appeals Board
 Rombro & Associates, Respondent

The judgment is affirmed. Rombro is entitled to costs on appeal.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION SEVEN (continued)

B206557 People (Not for Publication)
v.
Zuniga

The judgment is modified to reflect a court security fee of \$20 imposed for each count, for a total of \$60. As so modified, the judgment is affirmed. The clerk of the court is directed to prepare a corrected abstract of judgment reflecting the imposition of \$60 in court security fees and the imposition of consecutive sentences on counts 1 and 2, and to forward a copy of the corrected abstract of judgment to the Department of Corrections.

Jackson, J.

We concur: Woods, Acting P.J.
Zelon, J.

B204130 People (Not for Publication)
v.
Flores

The judgment is modified to reflect 222 days of presentence conduct credit (148 actual days and 74 days of conduct credit). As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections and Rehabilitation.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (continued)

B198996 People (Not for Publication)
v.
Gray

The order imposing \$3,000 in attorney's fees is stricken. In all other respects, the judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

B205951 LeMay (Not for Publication)
v.
Charles R. Drew University of Medicine & Science

The judgment is affirmed. Defendant is to recover its costs on appeal.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

B203301 Hicks (Not for Publication)
v.
Los Angeles County Metropolitan Transportation Authority

The judgment is affirmed. Each side shall bear their own costs on appeal.

Rubin, Acting P.J.

We concur: Flier, J.
Bigelow, J.

DIVISION EIGHT (continued)

B201114 Holley (Not for Publication)

V.

The Cochran Firm et al.

The order denying the firm's motion to compel arbitration is reversed, and the cause is remanded to the trial court with directions to enter a new and different order granting the motion. Appellants are awarded costs on appeal.

Bigelow, J.

We concur: Rubin, Acting P.J.

Flier, J.

B204121 People (Not for Publication)

V.

Joshua Lazos

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.

O'Neill, J. (Assigned)

B198779 People

V.

Jose Castellanos

Filed order denying petition for rehearing.